

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>SAMSON ALDACO,</b>	)	<b>CASE NO. 8:09CV177</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>ROBERT HOUSTON,</b>	)	
	)	
<b>Respondent.</b>	)	

This matter is before the court on its own motion. Petitioner has filed a timely Notice of Appeal. (Filing No. [39](#).) However, Petitioner has not paid the \$455.00 filing fee. (Filing No. [43](#).) Petitioner has the choice of either tendering the \$455.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court. Petitioner is cautioned that, if he is permitted to proceed in forma pauperis, he will still be required to pay the entire \$455.00 filing fee. However, he will be allowed to pay the filing fee in installments in accordance with [28 U.S.C. § 1915](#).

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to either tender the \$455.00 filing fee or submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof by July 2, 2010;
2. If Petitioner fails to comply with this Memorandum and Order the court will not process his appeal;
3. The Clerk of the court is directed to send to Petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit; and

4. The Clerk of court is directed to set a pro se case management deadline in this case with the following text: "July 2, 2010: Check for payment or IFP motion."

DATED this 1<sup>st</sup> day of June, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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